

### **REMARKS**

Agent for Applicant cancels claims 1-29 and submits new claims 30-45 for consideration by the Examiner. The present application has 16 claims in total.

### **VOLUNTARY AMENDMENTS:**

Agent for Applicant respectfully submits that previously submitted claims 1-29 have been cancelled and have been replaced with new claims 30-45 without adding any new subject matter.

### **CLAIMS NOT ANTICIPATED: 35 U.S.C. § 112**

*Claims 1-6, 8-12, 16, 19, 21, 22 and 25-29*

The Examiner rejected claims 1-6, 8-12, 16, 19, 21, 22 and 25-29 as being anticipated by *Gruteser et al.* 6,870,477 (hereinafter *Gruteser*).

Agent for Applicant respectfully submits that since claims 1-29 have been cancelled, the objections need not be surmounted, however where applicable, Agent for Applicant has taken strides to demonstrate differences between the new claims and the prior art *Gruteser*.

#### **Claim 1**

The Examiner rejected claim 1 as being anticipated by *Gruteser et al.* (6,870,477). Specifically, the Examiner rejected claim 1 since *Gruteser*:

[D]iscloses a member (100) selected from the group of members consisting of a chair member, a bed member and a lounge member, said member (100) having: moving parts (unlabelled), in the form of a seat or back that is deformable (column 6, line 20), controls (210) for the moving parts, sensors (110) signal feedback mechanisms (225) regarding operation of the controls (210) for the moving parts, a power pack (212); and an energy converter, either in the form of "solar cells" (column 5, line 17), or wheels (105) "used to generate electricity" (column 5, line 29), which convert energy to which the member (100) is exposed to electrical energy, wherein said one or more energy converters is connected to the power pack (212) whereby electrical energy flows from the one or more energy converters into the power pack (212) and may be stored therein or utilized for powering said sensors (110), feedback mechanisms (225) and controls (210) for the moving parts.

Agent for Applicant respectfully submits that since all of the claims have been cancelled, the newly presented claims do not anticipate from *Gruteser*. It should be noted that new claim 30 differs from *Gruteser* in that it provides for *inter alia*:

A member selected from the group of members consisting of a chair member, a bed member and a lounge member, said member having moving parts and a controller for said moving parts including information output circuitry which outputs information from said member concerning directions for the operation of said controller for the moving parts...

While *Gruteser* may provide for bio-sensory feedback which may be used to determine a particular occupant (*Gruteser*; Column 2; Lines 1-4), *Gruteser* does not teach nor intimate an invention providing feedback information which instructs the user in the actual use of the controls as does the present application (Present Application; para 15).

Furthermore, *Gruteser* does not teach the control outputting information regarding direction of use of said control without producing the movement of the chair as does the present application (Present Application; para 15).

#### **CLAIMS NOT OBVIOUS: 35 U.S.C. § 103**

##### ***Claims 7, 13, 20, 23 and 24***

The Examiner rejected claims 7, 13, 20, 23 and 24 as being obvious with respect to *Gruteser* in view of several other pieces of prior art (*Sparks, Burt* (US 2002/0056709), *Deaton* (2,838,095), *Bell* (2,310,346)).

Agent for Applicant respectfully submits that since claims 1-29 have been cancelled, the obviousness objections need not be surmounted, however where applicable, Agent for Applicant has taken strides to demonstrate differences between the new claims and the prior art.

It should be emphasized that the present application is not rendered obvious through a reading of *Gruteser* in view of *Sparks* 6,204,767 (hereinafter *Sparks*). *Sparks* teaches a chair monitor to be implemented in a nursing home, hospital, healthcare facility or in a vehicle wherein the monitor detects an individual's attempted departure from a seat. The *Sparks* invention does not provide feedback information which instructs the user in the actual use of the controls as does the present application (Present Application; para 15).

It should be further emphasized that the present application is not rendered obvious through a reading of *Gruteser* in view of *Burt*.

Agent for Applicant respectfully submits that while *Burt* may teach an invention wherein lumbar supports are controlled by a timer, the present application discloses timed repositioning based as a dependency from the new first independent claim which also provides for the feedback information which instructs the user in the actual use of the controls which is not found nor intimated in any of the prior art.

In addition it should be further noted that the present application is not rendered obvious through a reading of *Gruteser* in view of *Deaton*.

Agent for Applicant respectfully submits that while *Deaton* may disclose a hinge located between a seat and a back, the present application discloses its hinge as a dependency based from the new first independent claim which also provides for the feedback information which instructs the user in the actual use of the controls which is not found nor intimated in any of the prior art.

Similarly it should be noted that the present application is not rendered obvious through a reading of *Gruteser* in view of *Bell*.

Agent for Applicant respectfully submits that while *Bell* may disclose a hinge located between a seat and a pedestal, the present application discloses its hinge as a dependency based from the new first independent claim which also provides for the feedback information which instructs the user in the actual use of the controls which is not found nor intimated in any of the prior art.

**ADDITIONAL FEES:**

Agent for Applicant respectfully submits the one month extension fee required to submit a response under 37 CFR 1.17(a)(1) in the amount of \$65.00 (small entity).

**CONCLUSION:**

Agent for Applicant respectfully states that the application is now in condition for immediate allowance and respectfully solicits same.

Yours faithfully,



Agent for Applicant  
Eugene J. A. Gierczak  
(Registration NO. 31,690)  
**MILLER THOMSON LLP**  
Barristers & Solicitors  
Scotia Plaza  
40 King Street West, Suite 5800  
P.O. Box 1011  
Toronto, Ontario Canada M5H 3S1  
Telephone No. 416.596.2132  
Telecopier No. 416.595.8695  
EJAG/CDB

cc: Terry Cassaday

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